

Mr Sedat Ersahin
220 Durham Road
Gateshead
Tyne and Wear
NE8 4JR

My Ref. SK/NM
Your Ref:

Date: 27 February 2006

IMPORTANT – THIS COMMUNICATION AFFECTS YOUR PROPERTY

Dear Sir

**BREACH OF PLANNING CONDITION – IBOS, 220 DURHAM ROAD, GATESHEAD, TYNE AND WEAR NE8 4JR
APPLICATION NO. DC/05/01122/FUL VARIATION OF CONDITION 6 OF PLANNING PERMISSION 548/94 TO ALLOW OPENING HOURS FROM 9.00AM TO 11.30PM ON ANY DAY OF THE WEEK**

Condition No 1. of the above planning approval granted on 15 August 2005, (Ref: DC/05/01122/FUL) states that *“The opening hours of the premises shall be restricted to between 9am and 11.30pm on any day of the week.”*

Complaints have been received that the premises are regularly open for business past 11.30pm, causing noise and disturbance.

An enforcement officer from this Department has visited the premises and observed the business to be trading after 11.30pm.

Having regard to the circumstances your actions are considered to amount to a blatant breach of planning control.

In order to rectify the situation I attach by way of service a Breach of Condition Notice against which there is no right of appeal. Your attention is drawn to the warning set out in the annex to the notice and the penalties for failure to comply. My officers will continue to monitor the operation of the premises following the expiry of the period for compliance with the notice when the necessity for further action will be assessed.

Yours faithfully



Paul Dowling
Head of Regulatory Services

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TOWN AND COUNTRY PLANNING ACT 1990
(as amended by the Planning & Compensation Act 1991)

BREACH OF CONDITION NOTICE

SERVED BY: The Borough Council of Gateshead (“the Council”)

**TO: Sedat Ersahin
220 Durham Road
Gateshead
Tyne and Wear
NE8 4JR**

1. THIS NOTICE is served by the Council, under section 187A of the above Act, because they consider that a condition imposed on a grant of planning permission, relating to the land described in paragraph 2 below, has not been complied with. The Council consider that you should be required to comply with the condition specified in this notice. The Annex at the end of this notice contains important additional information.

2. THE LAND TO WHICH THE NOTICE RELATES

220 Durham Road, Gateshead, Tyne & Wear, NE8 4JR, shown edged red on the attached plan.

3. THE RELEVANT PLANNING PERMISSION

The relevant planning permission to which this notice relates is the permission granted by the Council on 15th August, 2005, Reference No. DC/05/01122/FUL, for the Variation of Condition 6 of Planning Permission 548/94 to allow opening hours from 9.00am to 11.30pm on any day of the week.

4. THE BREACH OF CONDITION

The following condition has not been complied with:

Condition No. 1

The opening hours of the premises shall be restricted to between 9am and 11.30pm on any day of the week.

5. WHAT YOU ARE REQUIRED TO DO

As the person responsible for the breach of condition specified in paragraph 4 of this notice, you are required to comply with the stated condition by taking the following steps: -

- (1) Close the premises at 11.30pm every day.

Period for compliance: -

- (1) 28 days beginning with the day on which this notice is served on you.

Dated: 28th February 2006

A handwritten signature in black ink, appearing to read 'P Dowling', with a horizontal line underneath.

Signed: Paul Dowling
Head of Regulatory Services
For and on behalf of the Borough Council of Gateshead.

WARNING

THIS NOTICE TAKES EFFECT IMMEDIATELY IT IS SERVED ON YOU IN PERSON OR ON THE DAY YOU RECEIVED IT BY POST.

THERE IS NO RIGHT OF APPEAL TO THE SECRETARY OF STATE FOR THE ENVIRONMENT AGAINST THIS NOTICE.

It is an offence to contravene the requirements stated in paragraph 5 of this notice after the end of the compliance period. You will then be at risk of immediate prosecution in the Magistrates' Court, for which the maximum penalty is £1,000 for a first offence and for any subsequent offence. If you are in any doubt about what this notice requires you to do, you should get in touch immediately with Sarah Kelly, Enforcement Officer or Marc Morley, Senior Enforcement Officer, Gateshead Civic Centre, Telephone Number 0191 4333932.

If you do need independent advice about this notice, you are advised to contact urgently a lawyer, planning consultant or other professional adviser specialising in planning matters. If you wish to contest the validity of the notice, you may only do so by an application to the High Court for judicial review.

220 Durham Road, Gateshead



GIS by ESRI (UK)



Scale : 1:1250

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Organisation	Gateshead Council
Department	Regulatory Services
Comments	
Date	27 February 2006
SLA Number	Not Set